IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Crl.MC.No. 3681 of 2007()

CC.155/1999 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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PETITIONER:

SAJI GEORGE, S/O. GEORGE VARGHESE,
MALAYIL HOUSE, NALANCHIRA, THIRUVANANTHAPURAM,
A MENTALLY HANDICAPPED PERSON REPRESENTED BY HIS
WIFE AND GUARDIAN, MRS. SHEEBA VARGHESE,AGED 34,
MALAYIL HOUSE, NALANCHIRA P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. P.K. MATHEWS, S/O. KOCHUKORUTHAN,
WESTEND VEETTIL, AMBALAMUKKU RESIDENCE ASSOCIATION
NO.232, KAVADIYAR VILLAGE, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/12/2007 ALONG WITH CRMC.3682/07 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. Nos. 3681 and 3682 OF 2007

Dated this the 10th day of December, 2007

O R D E R

The common petitioner in these two cases is the 1st accused in two prosecutions, both pending before the Additional Chief Judicial Magistrate, Thiruvananthapuram as C.C.155/99 and 156/99. The same petitioner is accused in three other cases. They are also pending as C.C.Nos.65, 167 and 215 of 1999 before the same court. The petitioner has come to this Court with a prayer to quash the proceedings against the petitioner. In fact, separate applications were filed in all the five cases to quash the proceedings against the petitioner. These two cases remained as defective, while those three petitions were taken up for consideration by me. As per common order dated 6.12.07 in Crl.M.C.Nos.3647, 3648 and 3649 of 2007, those three petitions were dismissed by this Court. For the same reason, I am satisfied that these petitions also deserve to be dismissed. This order must be read in continuation of the said order. I am, hence, not

adverting to the facts in any greater detail. For the same reason mentioned in the order dated 6.12.2007, I dismiss these Crl.M.Cs. also.

2. The learned counsel for the petitioner submits that there may be a further observation in these cases that the petitioner's right to move the learned Magistrate for discharge under section 239 Cr.P.C. is not in any way fettered by the dismissal of these petitions. According to me, it need not be stated at all I have not stated so in the previous order dated 6.12.07. I make it clear that in all these five cases, the petitioner's right to claim discharge, if he is entitled, under Section 239 Cr.P.C. shall remain unfettered by the dismissal of these Crl.M.Cs.

(R.BASANT, JUDGE)

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